

Congress of the United States
Washington, DC 20515

March 20, 2018

The Honorable Mark Green
Administrator
U.S. Agency for International Development

Dear Administrator Green:

We write to urge the Administration to reconsider its decision to zero out funding for Democracy and Good Governance programs for Nicaragua in the FY 2019 budget request. As you are aware, the democratic space in Nicaragua has been quickly deteriorating and we believe USAID programming is critical to empower civil society, support the rule of law and bolster electoral processes, all important components to promote democracy, as well as the security and stability of the U.S. and our allies across the region.

Since his election in 2006, Daniel Ortega has repeatedly violated the Nicaraguan constitution to stay in power. Through his hold on the National Assembly and the Supreme Electoral Council (CSE), Ortega has managed to eliminate term limits, remove all opposition, and rig local elections. Following his mentors, Fidel Castro and Hugo Chavez, Ortega has cracked down on civil society, activists and human rights defenders. The following excerpts show a lack of electoral legitimacy and fraudulent actions by the CSE leadership, which have been well documented by the U.S. Department of State:

- According to the Department of State's Country Reports on Human Rights Practices for 2015: "In 2011 the Supreme Electoral Council (CSE) announced the re-election of President Daniel Ortega Saavedra of the Sandinista National Liberation Front (FSLN) in elections that international and domestic observers characterized as seriously flawed. International and domestic organizations raised concerns regarding the constitutional legitimacy of Ortega's re-election. The 2011 elections also provided the ruling party with a supermajority in the National Assembly, allowing for changes in the constitution, including extending the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers noted serious flaws during the 2012 municipal elections and March 2014 regional elections."
- The same report states: "The principal human rights abuses were restrictions on citizens' right to vote; obstacles to freedom of speech and press, including government intimidation and harassment of journalists and independent media, as well as increased restriction of access to public information, including national statistics from public offices; and increased government harassment and intimidation of nongovernmental organizations (NGOs) and civil society organizations." It goes on to state that: "Additional significant human rights abuses included considerably biased policies to promote single-party dominance; arbitrary police arrest and detention of suspects, including abuse during detention; harsh and life-threatening prison conditions with arbitrary and lengthy pretrial detention; discrimination against ethnic minorities and indigenous persons and communities."
- On November 7, 2016, the Department of State issued a press release stating: "The United States is deeply concerned by the flawed presidential and legislative electoral process in Nicaragua, which precluded the possibility of a free and fair election on November 6. In advance of the elections, the Nicaraguan government sidelined opposition candidates for president, limited domestic observation at

the polls and access to voting credentials, and took other actions to deny democratic space in the process. The decision by the Nicaraguan government not to invite independent international electoral observers further degraded the legitimacy of the election.”

- According to the Department of State's Country Reports on Human Rights Practices for 2016: “[A]ctions by the ruling Sandinista National Liberation Front (FSLN) party resulted in de facto concentration of power in a single party, with an authoritarian executive branch exercising significant control over the legislative, judicial, and electoral functions.” The report continues and also states: “The November 6 elections for president, vice president, national assembly members, and representatives for the Central American parliament did not meet the conditions of being free and fair . . . The November 6 presidential and legislative elections were marred by allegations of institutional fraud and the absence of independent opposition political parties. National observers and opposition leaders claimed rates of abstention from 60 to 70 percent.”

Some of these abuses have led the Administration to rightfully sanction Roberto Rivas, the President of the CSE, under the Global Magnitsky Act, for his role in perpetrating the Ortega regime’s corruption and electoral fraud which has undermined Nicaragua’s electoral institutions. Congress, on the other hand, appropriated for Nicaragua \$12 million in FY15; \$10 million in FY16; and \$9.68 million in FY17. In addition, the U.S. House of Representatives has twice passed by unanimous consent the NICA Act: a bipartisan and bicameral bill that would allow us to leverage U.S. influence by conditioning our vote at any of the international financial institutions upon leadership in Nicaragua taking significant steps to restore democratic order.

The United States must invest in programs to promote the democratic process, strengthen rule of law, build the capacity of civil society, and work to fix the corrupt electoral system. We must express our firm support for the people of Nicaragua and their local organizations that are seeking substantive change and risking their lives every day to restore the collapsing democratic institutions in Nicaragua. In order to achieve these goals, the United States must also avoid enabling and supporting members of the private sector tied to corruption, money laundering, and the Ortega regime. Therefore, and in accordance with all applicable rules and regulations, we urge the Administration to reconsider its decision to zero out funding for Democracy and Good Governance programs for Nicaragua.

Thank you for your attention on this matter.

Sincerely,



ILEANA ROS-LEHTINEN
Chairman
Subcommittee on the Middle East
and North Africa



ELIOT ENGEL
Ranking Member
Committee on Foreign Affairs



ALBIO SIRES
Ranking Member
Subcommittee on the Western
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